GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of M/s. V. Y. Deshapande and sons, Cloth Merchants, Khade Bazar, Belgaum.

Award of the Labour Court, Hubli—Published

Read the following papers.

(i) Letter No. 1290/67-68, dated 31st August 1967 from Shri Syed Azizuddin Ahmed Presiding Officer, Labour Court, Hubli.

IN THE LABOUR COURT AT HUBLI.

Dated 31*st August* 1967

Reference I. D. (LCH) No. 29 of 1966.

Present

Shri Syed Azizuddi Ahmed, M.A., B. L., *Presiding Officer.*

between.

The Workmen of M/s. V. Y. Deshpande and sons, Cloth Merchants, Khadebazar, Belgaum represented by the President, Belgaum Workers' Union, 1668/3, Ramling Khind, Belgaum ... *I Party*

and

The Management of M/s V.Y. Deshpande and sons, Cloth Merchants, Khadebazar, Belgaum. ... *II Party*

This is a reference under Section 10 (1) (c) of the Industrial Disputes Act, 1947 made by the Government of Mysore in their Order No. LMA 539 LLD 65, dated 7th March 1966. The point of dispute referred for adjudication is as under :—

Whether the management of M/s. V. Y. Deshpande and sons, Cloth Merchants, Khade Bazar, Belgaum, are justified in dismissing its employees *viz.*, Syts. N. D. Gumaste, G. F. Killedar, K. R. Asbe and N. M. Patil? If not, are they entitled to be reinstated with back wages or are they entitled to any other relief?

2. The cause of the aggrieved workmen has been sponsored and espoused by The Belgaum Workers Union, No. 1668/3 Ramling Khind, Belgaum represented by its Secretary. Shri R. M. Apte, President, appeared for the I Party while Sri N. S. Metrani, Advocate appeared for the II Party. In response to the notices issued by the Court, the I Party filed its claim statement, dated 20th April 1966. The Counter statement does not bear the date, but it has been received in the Court on 20th May 1966.

3. I need hardly describe the pleadings in detail for the reasons that the parties, having compromised the dispute out of Court, have filed a joint memo of settlement. In the claim statement, the I Party challenged the action of the II Party as being unjust and illegal. The II Party, in its counter-statement justified its action in terminating the services of the workmen. It further raised a plea that the present dispute is not an industrial dispute within the definition of Section 2 (k) of the Industrial Disputes Act, 1947 and that the Court has no jurisdiction to hear it. On the basis of these pleadings, in addition to the point of dispute specified in the order of reference, the following issues were raised.

(1) Whether the present dispute is an industial dispute within the definition of Section 2 (k) of the I. D. Act, 1947, and whether this Court has jurisdiction to hear it?

(2) Whether the I Party proves that there has been violation of the principles of natural justice in conducting the domestic enquiries against Sri N. D. Gumaste, F. G. Killedar and K. R. Asbe?

(3) Whether the I Party proves that the management wrongfully terminated the services of Sri N. M. Patil?

(4) Whether the act of the II Party in terminating the services of the aggrieved workmen amounts to victimisation and unfair labour practice?

FINDINGS.

Issue No. 1 was treated as a preliminary issue of law. After hearing both sides the same was decided in favour of the I Party. When the case was taken up for further hearing at Belgaum Camp on 7th August 1967, the representatives of the parties filed a joint memo of settlement and prayed that the reference be dismissed. The parties appear to have settled their over-all disputes. The joint memo of settlement was duly verified by me. The sum and substance of the memo is that the parties have settled the dispute out of Court, and that the matter may be dismissed with no order as to costs.

AWARD

In view of the settlement of dispute out of Court, the Reference does not subsist. It is dismissed. The parties shall bear their own costs.

SYED AZIZUDDIN AHMED,
Presiding Officer,
Labour Court, Hubli.

Place : Hubli
Dated :31-8-1967

ORDER.

Bangalore, dated the 5th September 1967.

S. J.1797 .—WHEREAS by State Government Order No. LMA 539 LLD 65. dated 7th March 1966, the Industrial Dispute between the Workmen and the Management of M/s. V. Y. Dabapande and sons Cloth Merchants, Khade Bazar Belgaum was referred to the Labour Court, Hubli for adjudication.

AND WHEREAS, the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 539 LLD 65.)

By Order and in the name of the Governor of Mysore.

104 G. G. PUROHIT, *Under Secy. to Govt. Food, Civil Supply and Labour Depatrment.*